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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,370	02/17/2004	Futoshi Miyakawa	14470.0024US01	2795

7590 06/26/2006

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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,370

Applicant(s)

MIYAKAWA ET AL.

Examiner

Lee Lum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. A RCE and Amendment were filed 4/3/06.

2. Claim 1 is objected to because in the third paragraph (amended portion), "cylinder portion" should be preceded by "a".

Claim 4 is objected to because "first/second end portion" should be preceded by "a".

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, the structure of the front frame is unclear because the amended portion appears to be nearly identical to the subject matter in Claim 4. It is unclear if the portion and Claim 4 describe different structural elements. Clarification is required.

In Claim 2, the "member with said bosses" (emphasis added) cannot be identified.

In Claim 4, the "member with first and second end portions" (emphasis added) cannot be identified.

(Re Claims 2 and 4, the front frame itself appears to include both bosses, and end portions, *as best understood*.)

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 (*2 and 4 as best understood*) are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi 4852678.

Yamaguchi discloses a motorcycle 10 with
Front wheel 12 supported by front fork 13 and headpipe (unidentified, inherent),
Rear wheel 15 having suspension 16,
Engine 17 with case (inherent), and cylinder portion including cylinder head, and cylinder block (figs 2 or 7; all unidentified, inherent),

The cylinder block being formed on the upper portion of the case (figs 2/7),

The cylinder head and block forming a contact surface (sides of head and block),

The engine tilting forward so that the contact surface also tilts forward,

Front frame 21 (*fig 3*) connecting front portion of the engine with the headpipe, and including

First end portion (fig 2; adjacent element 31) on a first side, where the cylinder head is joined to the front frame, *as best understood*, and,

Second end portion (fig 3; adjacent elements 23a, 24a) on a second side, where the front frame is connected with the headpipe, *as best understood*, and,

Middle portion in between (unidentified), wherein

The first end portion being wider (laterally of the motorcycle, via bosses 29) than the second end portion,

And further including

Upper (towards headpipe), and lower (towards block), **joining portions**,

the *lower portions* joined to the engine (adjacent elements 31, 32), and, being formed in, *as broadly and reasonably interpreted*, an upper end portion of the block near the contact surface between the head and block,

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these portions overlapping the cylinder head,
including
front side portion formed in (*as broadly and reasonably interpreted*) the upper portion of the front end of the block (adjacent element 32), and,
rear side portion formed in (*as broadly and reasonably interpreted*) the upper portion of the rear end of the block (adjacent element 31),
this rear side portion being higher than the front side portion due to engine tilt,

Rear frame (*fig 3*), including elements 25a,b and 26a,b, separate from the front frame, and connecting the rear portion (adjacent element 37) of the engine with the suspension of the rear wheel, wherein

the front and rear frames are joined to the engine to form a body frame.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi in view of Adachi et al 6695089.

Yamaguchi discloses the elements as provided above, but does not disclose a radiator. Adachi shows this component 22 between headpipe 3 and cylinder head 27. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this component, as shown in Adachi, to provide water for cooling the engine, thus increase proper operation of the engine and related components, and as is very well-known. The location of the radiator reduces distance from the engine.

Additionally, Yamaguchi discloses the front frame as including a middle portion with a shape that is convex in the upward and rearward direction (*fig 3*).

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6. RESPONSE TO REMARKS

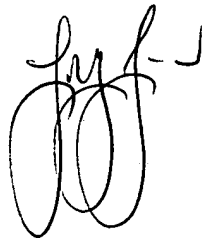
Examiner has slightly modified her rejections due to amendments, where Yamaguchi is maintained as obviating the majority of limitations. The structure of the front frame is rendered unclear because the amended portion of Claim 1 appears to be a duplicate of Claim 4.

7. Communication with the Examiner/USPTO

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272 6649, M-F, 9-5. If she can't be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272 6651. Our fax number is 571 273 8300.

Information re the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System as follows: for unpublished apps - private PAIR only, for published apps - private or public PAIR. For more info on PAIR - <http://pair-direct.uspto.gov>. For more info on private PAIR - call the Electronic Business Center at 866 217 9197.

Ms. Lee Lum-Vannucci
Examiner
6/21/06

A handwritten signature in black ink, appearing to read 'Lee Lum-Vannucci', with a stylized flourish at the end.